PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 26, 1979

CITY OF FORT WAYNE INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening June 26 A.D., 1979, in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk, present the following members viz:

BURNS ✓, HINGA ✓, HUNTER ✓,
MOSES ✓, NUCKOLS ✓, DONALD SCHMIDT ✓,
VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by _____

_____

Received report from the City Controller for the month of _____, 19____. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular June 12, 1979,
_____, 19____,
Special _____, 19____,

Session having been delivered to the Council, were, on motion, approved and published.

DATE 1-26-79 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 46/79/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 46/79/D)

I hereby certify that I did this 18th day of June, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 46/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coorman
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 46/79/D

(Adopted June 18, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING PASSENGER LOADING ZONE (DELEGATED)

; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 14, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective June 18, 19 79, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING PASSENGER LOADING ZONE (DELEGATED)

Culbertson St. -- north side -- from 120 ft. west of Brighton St. to 30 ft. west thereof.

6-26-79
DATE MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 47/79/E
48/79/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 47/79/E 48/79/E)

I hereby certify that I did this 19th day of June, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 47/79/E 48/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 47/79/E

(Adopted June 19, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 25/79/E: NO PARKING (EMERGENCY), DELETE: NO PARKING 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 18, 1979, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 19, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Berry St. -- north side -- from Van Buren St. to Jackson St.

DELETE:
NO PARKING 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM (EMERGENCY)

Berry St. -- north side -- from Van Buren St. to Jackson St.

REGULATORY RESOLUTION NO. 48/79/E

(Adopted June 19, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 26/79/E: STOP INTERSECTION (EMERGENCY): AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 19, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 19, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Wagner St. -- stop -- for Griswold Ave.

DATE 6-26-79 MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Number: 49/79/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolution a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 49/79/E)

I hereby certify that I did this 26th day of June, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 49/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 49/79/E

(Adopted June 26, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 22, 19 79 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 26, 19 79 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Colerick St. -- north side -- between Lafayette St. and Warsaw St.

A RESOLUTION OF THE INDIANA LEAGUE OF
MUNICIPAL CLERKS AND TREASURERS
URGING THE GENERAL ASSEMBLY TO DEFEAT ANY
BILL WHICH WOULD DELETE THE REQUIREMENT OF
DOCKETING CLAIMS WITH THE CITY OR TOWN
CLERK OR CLERK-TREASURER

WHEREAS, Indiana Code Section 18-1-20-1 requires that each claim against a city or town be itemized, verified, filed with the Clerk, and placed upon the Claim Docket at least five (5) days before it is allowed; and

WHEREAS, the present State law further requires the Clerk to enter each claim by the name of the claimant, amount claimed, purpose, and date filed; and

WHEREAS, this procedure provides a very efficient and effective manner of reviewing and processing all claims with the City or Town; and

WHEREAS, the Attorney General of the State of Indiana did on the 11th day of August, 1978, issue an official opinion upholding the legality of Indiana Code Section 18-1-20-1; and

WHEREAS, such a procedure does not cause undue delay, but rather has provided a mechanism for inspection by all taxpayers and has operated effectively since its creation.

NOW, THEREFORE, BE IT ORDAINED BY THE INDIANA LEAGUE OF MUNICIPAL CLERKS AND TREASURERS that:

SECTION I. The Indiana League of Municipal Clerks and Treasurers believes that the present claim docketing procedure set forth in Indiana Code Section 18-1-20-1 provides an efficient mechanism for docketing and reviewing all claims with the Cities and Towns.

SECTION II. Indiana League of Municipal Clerks and Treasurers urges the Indiana General Assembly to defeat any bill which may come before it that would eliminate a proven and necessary check and balance system within the cities and towns.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Indiana League of Municipal Clerks and Treasurers.

adopted 9:00 A.M. Friday May 18, 1979 - Terry Pearson
of the Convention of Indiana League of Municipal
Member of the Indiana League of Municipal
Clerks and Treasurers Clerks & Treasurers in
Muncie, Indiana

6-26-79.
MADE A MATTER OF RECORD
DATE_____CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

19 June 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-79-02-06

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
19th day of June, 1979.

Thomas A. Adams

Thomas Adams
Secretary

6-26-79
MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

19 June 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 23, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. BILL NO. Z-79-02-06

2. From R1 & B1B to M2

3. Intended Use: Expand on Illegal Non-Conforming Use

4. Plan Commission Recommendation: DO PASS as PERFECTED AND WITH CONDITIONS

PERFECTION: Lots 180 thru 184 be perfected from M-2 to B-3-B and the balance of the property would be perfected from M-2 to M-1.

CONDITIONS:

a. The east and south line of Lots 180 thru 184 shall be buffered with a landscape or opaque fence at a height of 6' and that the buffering must be consistent.

b. The access to this property shall be restricted to Moeller Road at a point determined by the City Traffic Engineer.

NOTE: Conditions and Restrictions have been agreed to by the petitioner and a copy of the agreement is attached to the ordinance.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten

Gary F. Baeten, Senior Planner

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-02-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance BE AMENDED THAT LOTS 180 THRU 184 BE PERFECTED FROM M2 TO B3B AND THE BALANCE OF THE PROPERTY WOULD BE PERFECTED FROM M2 TO M1, WITH A DO PASS, for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

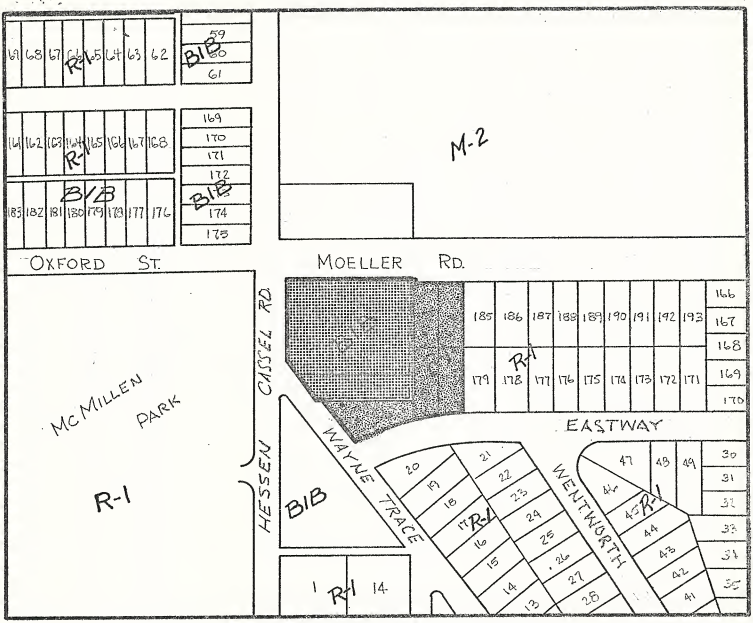
BE IT FURTHER RESOLVED that the secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1979.

Certified and signed this
19th day of June, 1979.

Thomas D. Adams

Thomas Adams
Secretary



CHANGE FROM R-1 B/B TO M-2

AMENDED: 4/23/79

CHANGE FROM R-1 to B-3-B

CHANGE FROM B-1-B to M-1

N

Z-79-02-06

PREPARED BY: G.B. 1/16/79

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

June 14, 1979

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, June 14, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on June 12, 1979.

(Bill No. A-79-05-01)
APPROPRIATION ORDINANCE NO. A-10-79

AN ORDINANCE appropriating funds from Fund No. 121 "Park General Fund" to Account No. 4-02-121-121-4265 "Services Contractual-Construction" to begin the reconstruction of the Diehm Museum

(Bill No. S-79-05-02)
SPECIAL ORDINANCE NO. S-85-79

AN ORDINANCE approving a certain bid document for purchase of paint supplies for the Summer Paint Program in the CEBG Target Neighborhoods

(Bill No. S-79-05-03)
SPECIAL ORDINANCE NO. S-86-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Helen Kaminski for Neighborhood Care, Inc.

(Bill No. S-79-05-04)
SPECIAL ORDINANCE NO. S-87-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Jessie May Longmire and Mary Evans for Neighborhood Care, Inc.

(Bill No. S-79-05-05)
SPECIAL ORDINANCE NO. S-88-79

6-26-79 MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

AN EQUAL OPPORTUNITY EMPLOYER

© F.W.B.C. 1974

AN ORDINANCE approving an Agreement to purchase Real Estate from William Key for Neighborhoood Care, Inc.

(Bill No. R-79-06-01)
RESOLUTION NO. R-24-79

A RESOLUTION approving the Budget of Fort Wayne and Allen County Convention and Tourism Authority for 12-month Period Beginning January 1, 1979 and Ending December 31, 1979

(Bill No. R-79-06-02)
RESOLUTION NO. R-25-79

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, approving recommendations by the City of Fort Wayne and the Fort Wayne Redevelopment Commission and authorizing the Board of Public Works to proceed to acquire, construct, finance, operate and lease an off-street parking facility

(Bill No. R-79-06-03)
RESOLUTION NO. R-26-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $600,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-79-06-04)
RESOLUTION NO. R-27-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $650,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-79-06-05)
RESOLUTION NO. R-28-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. S-79-05-13)
SPECIAL ORDINANCE NO. S-84-79

AN ORDINANCE approving Change Order No. 1, in connection with the McKinley-Connett-Edwards Sanitary Sewer

(Bill No. S-79-05-14)
SPECIAL ORDINANCE NO. S-89-79

AN ORDINANCE approving Change Order No. 23, in connection with Division I, Water Pollution Control Plant Additions

(Bill No. S-79-05-15)
SPECIAL ORDINANCE NO. S-90-79

AN ORDINANCE approving City Utilities Purchase Order No. 1079 with Clow Corporation for equipment for the Water Maintenance & Service Department

(Bill No. S-79-05-16)
SPECIAL ORDINANCE NO. S-91-79

AN ORDINANCE approving City Utilities Purchase Order No. 1069 with Rockwell International for supplies for the Water Maintenance & Service Department

(Bill No. S-79-05-17)
SPECIAL ORDINANCE NO. S-92-79

AN ORDINANCE approving Water Contract #7902, between the City of Fort Wayne Indiana and Westwood Development, Inc. for installing water main system

(Bill No. S-79-05-18)
SPECIAL ORDINANCE NO. S-93-79

AN ORDINANCE approving a contract for Street Light Resolution No. 136-79, between the City of Fort Wayne, Indiana, and T & F Construction Corporation of Indiana for street lighting for Northwest Central Phase III

(Bill No. S-79-05-19)
SPECIAL ORDINANCE NO. S-94-79

AN ORDINANCE approving blanket City Utilities Purchase Order Nos. B-1060 to B-1062, inclusive, for Office Supplies for the Office Services Department

(Bill No. S-79-05-20)
SPECIAL ORDINANCE NO. S-95-79

AN ORDINANCE approving a contract for Water Contract No. 79-XP-1, between the City of Fort Wayne, Indiana and Ground Service, Inc. for construction of water main

(Bill No. X-79-04-12)
ANNEXTION ORDINANCE NO. X-03-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5

Respectfully yours,

Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 26th day of June, 19 79 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19____.

Charles W. Westerman

Charles W. Westerman
City Clerk

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 26, 1979

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening June 26, 1979, in Regular Session. President Winfield C. Moses, Jr., in the chair, and Charles W. Westerman Clerk, at the desk, present the following members nine viz:

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

The minutes of the last Regular June 12, 1979, Session having been delivered to the Council, were, on motion, approved and published.

COMMUNICATION FROM THE MAYOR

June 14, 1979

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, June 14, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on June 12, 1979.

(Bill No. A-79-05-01)
APPROPRIATION ORDINANCE NO. A-10-79

AN ORDINANCE appropriating funds from Fund No. 121 "Park General Fund" to Account No. 4-02-121-121-4265 "Services Contractual-Construction" to begin the reconstruction of the Diehm Museum

(Bill No. S-79-05-02)
SPECIAL ORDINANCE NO. S-85-79

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(Bill No. S-79-05-04)
SPECIAL ORDINANCE NO. S-87-79

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(Bill No. S-79-05-14)
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AN ORDINANCE approving City Utilities Purchase Order No. 1079 with Clow Corporation for equipment for the Water Maintenance & Service Department

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AN ORDINANCE approving Water Contract #7902, between the City of Fort Wayne Indiana and Westwood Development, Inc. for installing water main system

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AN ORDINANCE approving blanket City Utilities Purchase Order Nos. B-1060 to B-1062, inclusive, for Office Supplies for the Office Services Department

(Bill No. S-79-05-20)
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AN ORDINANCE approving a contract for Water Contract No. 79-XP-1, between the City of Fort Wayne, Indiana and Ground Service, Inc. for construction of water main

(Bill No. X-79-04-12)
ANNEXATION ORDINANCE NO. X-03-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne and including the same in Councilmanic District No. 5

Respectfully yours,

Robert E. Armstrong
Mayor

Made a matter of record 6-26-79

Charles W. Westerman
City Clerk

COMMUNITY DEVELOPMENT AND PLANNING

COMMUNICATION FROM CITY PLAN COMMISSION

19 June 1979

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-79-02-06

Respectfully submitted,

CITY PLAN COMMISSION

Thomas Adams
Secretary

Certified and signed this
19th day of June, 1979

Made a matter of record 6-26-79

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

19 June 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held April 23, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. BILL NO. Z-79-02-06

2. From R1 & B1B to M2

3. Intended Use: Expand on Illegal Non-Conforming Use

4. Plan Commission Recommendation: DO PASS as PERFECTED AND WITH CONDITIONS

PERFECTION: Lots 180 thru 184 be perfected from M-2 to B-3-B and the balance of the property would be perfected from M-2 to M-1

CONDITIONS:

a. The east and south line of Lots 180 thru 184 shall be buffered with a landscape or opaque fence at a height of 6' and that the buffering must be consistent.

b. The access to this property shall be restricted to Moeller Road at a point determined by the Ciyt Traffic Engineer.

NOTE: Conditions and Restrictions have been agreed to by the petitioner and a copy of the agreement is attached to the ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-02-06, and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance BE AMENDED THAT LOTS 180 THRU 184 BE PERFECTED FROM M2 TO B3B AND THE BALANCE OF THE PROPERTY WOULD BE PERFECTED FROM m2 TO M1, WITH A DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1979.

Thomas G. Adams
Secretary

Certified and signed this
19th day of June, 1979

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 46/79/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 6-26-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 46/79/D)

I hereby certify that I did this 18th day of June, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 46/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 46/79/D

(Adopted June 18, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING PASSENGER LOADING ZONE (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 14, 1979submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective June 18, 1979and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING PASSENGER LOADING ZONE (DELEGATED)

Culbertson St.	--north side--	from 120 ft. west of Brighton St. to 30 ft. west thereof

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 47/79/E 7 48/79/E

For the purpose of enforcement, please make this communication and the attached

Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 6-26-79 Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 47/79/E & 48/79/E)

I hereby certify that I did this 19th day of June, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 47/79/E & 48/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 47/79/E

(Adopted June 19, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 25/79/E; NO PARKING (EMERGENCY), DELETE: NO PARKING 8:00 AM TO 9:00 AM AND 3:00 PM TO 4:00 PM (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 18, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office

of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 19, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Berry St. -north side-- from Van Buren St. to Jackson St.

DELETE:

NO PARKING 8:00 AM TO 9:00 AM AND 3:00 PM TO 4:00 PM (EMERGENCY)

Berry St. --north side-- from Van Buren St. to Jackson St.

REGULATORY RESOLUTION NO. 48/79/E

(Adopted June 19, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 26/79/E; STOP INTERSECTION (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 19, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby

ordered, effective June 19, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION		(EMERGENCY)
Wagner St.	--stop--	for Griswold Ave.

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 49/79/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 6-26-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 49/79/E)

I hereby certify that I did this 26th day of June, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of

Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 49/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 49/79/E

(Adopted June 26, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated June 22, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective June 26, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING		(EMERGENCY)
Colerick St.	--north side--	between Lafayette St. and Warsaw St.

A RESOLUTION OF THE INDIANA LEAGUE OF
MUNICIPAL CLERKS AND TREASURERS
URGING THE GENERAL ASSEMBLY TO DEFEAT ANY
BILL WHICH WOULD DELETE THE REQUIREMENT OF
DOCKETING CLAIMS WITH THE CITY OR TOWN
CLERK OR CLERK-TREASURER

WHEREAS, Indiana Code Section 18-1-20-1 requires that each claim against a city or town be itemized, verified, filed with the Clerk, and placed upon the Claim Docket at least five (5) days before it is allowed; and

WHEREAS, the present State law further requires the Clerk to enter each claim by the name of the claimant, amount claimed, purpose, and date filed; and

WHEREAS, this procedure provides a very efficient and effective manner of reviewing and processing all claims with the City or Town; and

WHEREAS, the Attorney General of the State of Indiana did on the 11th day of August, 1978, issue an official opinion upholding the legality of Indiana Code Section 18-1-20-1; and

WHEREAS, such a procedure does not cause undue delay, but rather has provided a mechanism for inspection by all taxpayers and has operated effectively since its creation.

NOW, THEREFORE, BE IT ORDAINED BY THE INDIANA LEAGUE OF MUNICIPAL CLERKS AND TREASURERS that:

SECTION I. The Indiana League of Municipal Clerks and Treasurers believes that the present claim docketing procedure set forth in Indiana Code Section 18-1-20-1 provides an efficient mechanism for docketing and reviewing all claims with the Cities and Towns.

SECTION 11. Indiana League of Municipal Clerks and Treasurers urges the Indiana General Assembly to defeat any bill which may come before it that would eliminate a proven and necessary check and balance system within the cities and towns.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Indiana League of Municipal Clerks and Treasurers.

Members of the Indiana League of Municipal
Clerks and Treasurers

This resolution was adopted 9:00 A.M., Friday, May 18, 1979, Final Session of the Convention of Indiana League of Municipal Clerks and Treasurers in Munice, Indiana.

Made a matter of record 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-20

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to Purchase Real Estate with Horace J. Lee

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated June 12, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Horace J. Lee, for:

S 13 1/3' Lot 48, Fletcher's Add. and N 13 1/3' Lot 49 Fletcher's Add. to City of Fort Wayne (known as 1516 Fletcher Avenue), and Lot 45, Fletcher's Add. to City of Fort Wayne (known as 1510 Fletcher Avenue)

for the total cost of $250.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-21

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to Purchase Real Estate with Kim L. Wallace

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase Real Estate dated January 4, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Kim L. Wallace, for:

N 1/2 Lot 23 Hanna's Part., Plat B, to City of Fort Wayne, Allen County, Indiana, known as 1155 Harmar Street;

And

N 1/2 Lot 25 Hanna's Part., Plat B, to City of Fort Wayne, Allen County, Indiana, known as 1144 Division Street

for the total cost of $250.00, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-26

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5834-79, between the City of Fort Wayne, Indiana and Summit City Wrecking, Inc. for demolition Wells Street Buildings

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 13, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Summit City Wrecking, Inc., for:

Demolition buildings at 1101, 1105, 1109 and 1123 Wells Street and site clearance,

under Board of Public Works Street Improvement Resolution No. 5834-79, at a total cost of $9,289.80, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Public Works

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-27

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5832-79, between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for retaining walls at Penn Central Elevation

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 13, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipskind Asphalt Corporation, for:

> Construction of sidewalks, wingwalks, retaining walls under Penn-Central Railroad elevation and pipe railing repair on College Street,

under Board of Public Works Street Improvement Resolution No. 5832.79, at a total cost of $53,375.00, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Public Works

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-28

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5826-79, between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for improving and resurfacing a certain intersection

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 4, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Hipskind Asphalt Corporation, for:

> Improving the Bluffton Road and Old Trail Road Intersection, with concrete pavement, widening and resurfacing, new curbs and new storm drainage, street lights and a new traffic signal,

under Board of Public Works Street Improvement Resolution No. 5826-79, at a total cost of $195,913.25, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

William T. Hinga
Councilman

Read the first time in full and on motion by Hinga, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Public Works

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-29

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Sewer Contract No. 877-79, between the City of Fort Wayne, Indiana and T-G Excavating, Inc., for Wilkie's Addition sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 4, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and T-G Excavating, Inc., Contractor, for:

Construction of sanitary sewer in Wilkie's Addition,

under Board of Public Works Sewer Contract No. 877-79, at a total cost of $70,633.25, which will be paid by property owners through Barrett Bond, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-30

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Sewer Contract No. 304-78, between the City of Fort Wayne, Indiana and Ground Services, Inc., Covington Rd./Ardmore Ave. Area

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated June 11, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Ground Services, Inc., Contractor, for:

Construction of sanitary sewer in Interurban Acre Addition, Crestholme Amd. Addition & Hartman's Outlots (Covington Rd./Ardmore Ave. Area),

under Board of Public Works Sewer Contract No. 304-78, at a total cost of $173,362.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after is passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-31

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities
Purchase Order No. 148 with V. R. Myers
Pump for equipment for the Water Maintenance
& Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1148, dated June 13, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and V. R. Myers Pump, for:

Various sizes of Cast Iron Charlotte Valve Box Tops
for Water Maintenance & Service Department,

at a cost of $2,530.50, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-32

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement with Macke Development Corporation, for construction of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Agreement dated May 21, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Macke Development Corporation, Developer, for:

SANITARY SEWER

Pine Valley Country Club 12th Addition

Main #1

Beginning at an existing sanitary manhole located near the Southwest corner of lot #630 of said addition; thence Northerly 260 ± L.F. along the West property line of said lot and lot #674 of said addition to a proposed manhole located near the Northwest corner of said lot #674; thence, Easterly 620 ± L.F. along the North property line of lot #620 thru #674 inclusive to proposed manhole located near the Northeast corner of lot #670 of said addition.

Lateral #1

Beginning at a existing sanitary sewer manhole located 5 ± L.F. west of and 5 ± L.F. north of the Southeast corner of lot #662 of said addition then Northerly 735 ± L.F. along the East property line of lot #662 thru lot #669 inclusive terminating at a proposed manhole 65 ± L.F. North of 5 ± L.F. West of the Southeast corner of Lot # 669 of said addition.

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. G-79-06-35

GENERAL ORDINANCE NO. G-

AN ORDINANCE AMENDING ARTICLE II CHAPTER 27 AND ADDING ARTICLE III CHAPTER 27, SECTION 27-33 OF THE CODE OF THE CITY OF FORT WAYNE OF 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Sections 27-11, 27-12, 27-13, 27-14, 27-15, 27-16, 27-17, 27-18, 27-19, 27-20 and 27-21 be repealed and the following Sections shall be substituted therefor, and that Section 27-33 be added as follows:

Section 27-11. "Pool" defined.

"Pool" as used in this article shall be any constructed pool or portable private pool, used for swimming, wading or bathing, over twenty-four inches in depth of water or with a top water surface area exceeding two hundred and fifty square feet and which is used or intended to be used as a pool in connection with a family dwelling unit and is available only to the family of the householder and his private guests. (Ord. G-61, Sec. 2).

Section 27-12. Applicability of Chapter - Portable Pools.

All portable pools of less than twenty-four inches in depth of water or less than two hundred and fifty square feet of top water surface area shall

be exempt from the requirement of this chapter; provided, that a responsible person shall be in attendance when the pool is in use; at all other times the pool shall be empty of water or adequately protected to prevent accidental entry. (Ord. G-61, Sec. 10)

Section 27-13. Same - Existing Pools.

Pools existing as of May 10, 1961 shall comply with sections 27-12, 27-19 and 27-21 of this chapter. (Ord. G-61, Sec. 11; Ord. G-10-64, Sec. 2.)

Section 27-14 Repealed.

Section 27-15. Location to comply with Chapter 33.

No pool shall be constructed or installed unless it complies with all the requirements as applied to all accessory uses as set forth in Chapter 33 of this Code. (Ord. G-61, Sec. 3.)

Section 27-16. Fences required; gates or doors to be self-latching.

(a) Every pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates; and if a picket, board or other like fence is erected or maintained, the distance between members thereof shall not exceed four inches. A dwelling house or accessory building may be used as part of such enclosure.

(b) All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed and locked at all times when not in acutal use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. (Ord. G-61 Sec. 5.)

Section 27-17. Repealed

Section 27-18. Repealed

Section 27-19. Water Supply.

Cross connection between the piping system of a private swimming pool and a portable water system is prohibited. If water for any pool is supplied from a portable water system, the inlet or fill pipe shall be located at least six inches above the overflow level of such pool. (Ord. G-61, Sec. 8.)

Section 27-20. Repealed.

Section 27-21. Enforcement of Article.

It shall be the duty of the building commissioner to enforce the provisions of this article. They may enter premises for the purpose of determining compliance therewith. (Ord. G-61, SEc. 12.)

Section 27-33. Severability.

Should any section, paragraph, sentence, clause or phrase of Sections 27-11 to 27-32 be adjudged invalid or unconstitutional for any reason, the remainder of such Sections shall not be affected thereby.

SECTION 2. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Burns, seconded by V. Schmidt, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-06-24

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-34, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of the Northeast 1/4 of Section 24, Township 31 North, Range 12 East, in Allen County, Indiana, being more particularly described as follows:

Commencing at a point, said point being situated 792.6 feet West and 390.0 feet South 0 degrees 30 minutes West of the Northeast corner of Section 24; thence continuing South 0 degrees 30 minutes West, a distance of 208.8 feet; thence North 81 degrees 00 minutes West, a distance of 582.0 feet to a point on the Easterly right-of-way line of State Highway #427, a distance of 212.0 feet; thence Southeasterly 479.5 feet to the point of beginning, containing 2.32 acres of land, more or less.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. Z-79-06-25

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of

Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. Q-22, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Lots 1, 2, and 3 in Perry's Suburban Addition

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckoks
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. X-79-06-33

ANNEXATION ORDINANCE NO. X-

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 4 effective February 28, 1980

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same, is hereby annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective February 28, 1980, to-wit:

Part of Sections 4 and 5, Township 30 North, Range 12 East, more particularly described as follows:

Beginning on the west line of Lot #4 Romys Sub. as recorded in Plat Book 5, Page 6, and the north right-of-way of Illinois Rd; thence north on said west line to the south right-of-way line of the Penn-Central

Railroad; thence southeasterly along said right-of-way to the north right-of-way of Illinois Road; thence west along the north right-of-way to the point of beginning; containing approximately 55 acres.

SECTION 2. Governmental and proprietary services of the City of Fort Wayne will be provided to the above described area within a period of three (3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topagraphy, patter ns of land utilization and population density similar to said described territory.

SECTION 3. That procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 4 of the City of Fort Wayne, Indiana as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. Ater its passage, approval by the Mayor, final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect on February 28, 1980.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Annexation

Date: 6-26-79

Charles W. Westerman
City Clerk

SUSPENSION OF RULES

BILL NO. S-79-06-24

Councilwoman V. Schmidt, moved to suspend the rules on passage of Bill No. S-79-06-34, at this meeting of June 26, 1979, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above Bill and Special Ordinance was accordingly placed on its passage.

DATE: 6-26-79

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special ORdinance No. S-96-79

ATTES: (SEAL)

DATE: 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-34

SPECIAL ORDINANCE NO. S-96-79

AN ORDINANCE AMENDING ORDINANCE NO. S-77-79 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA ON MAY 22, 1979

WHEREAS, the Common Council of the City of Fort Wayne, Indiana (the "City") heretofore adopted on May 22, 1979 Ordinance No. S-77-79 providing for issuance by the City of $5,375,000 Economic Development Revenue

Bonds, Series A (St. Joseph Medical Building Associates Project) (the "Series A Bonds"); and

WHEREAS, the Series A Bonds have not yet been delivered and paid for; and

WHEREAS, it is necessary that certain of the provisions of Ordinance No. S-77-79 be amended and the purchaser thereof has agreed to such amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Section 7 of Ordinance No. S-77-79 heretofore adopted on May 22, 1979 is hereby amended to read as follows:

> "Section 7. Sale of the Series A Bonds. The Mayor, City Controller and City Clerk of the City are hereby authorized and directed to sell and deliver the Series A Bonds at a price of 95 1/2% of par plus accrued interest to the date of delivery and payment therefor to Traub and Company Inc., Indianapolis, Indiana, who in turn will resell the Series A Bonds pursuant to an Official Statement prepared by Traub and Company, Inc. The proceeds of sale will be deposited with the Trustee pursuant to the Indenture."

Section 2. Except as amended by this Ordinance, all of the provisions of Ordinance No. S-77-79 are hereby ratified and approved and shall continue in force.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

This Ordinance was adopted by the Common Council of the City of Fort Wayne, Indiana on the 26th day of June, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-96-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-06-23

RESOLUTION NO. R-29-79
OF THE CITY OF FORT WAYNE

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, to lend the proceeds thereof to a company for the acquisition, construction and equipping of said facilities, said facilities to be owned by a company; and

WHEREAS, Central-Walter-Sunbelt Partnership, an Indiana general partnership to be formed, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer loan the proceeds of such a financing to the Applicant for the purpose of acquiring, construction and acquiring of an economic development facility which is to be a 14-story, 230-room hotel, including the real estate on which it is located and the machinery, equipment and furnishings to be installed therein, to be located at the site of the former Fort Wayne Sheraton Hotel in Fort Wayne, Indiana (the"Project"); and

WHEREAS, the diversification of economic development and increase in job opportunities (approximately 100 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in Fort Wayne, Indiana, and is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of economic development and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount of approximately $4,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the lending of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments

and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution (and certain preliminary expenses incurred prior to the passage of this inducement resolution), including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter lend the proceeds of such financing to the Applicant for the same purposes.

Adopted this 26th day of June, 1979.

CITY OF FORT WAYNE

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-29-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-06-22

RESOLUTION NO. R-30-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $3,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Fort Wayne Pools, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes said economic development facility to consist of a single story metal building and related access and parking facilities to be used for the manufacture of structural foam pool walls, pool steps and pool components, related equipment and processes and office space. The facility will be located within the Lincoln Industrial Central on Lincoln Parkway, Fort Wayne, Indiana (the Propect"); and

WHEREAS, Fort Wayne Pools, Inc., an Indiana Corporation will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of economic development and an

increase in 20 to 25 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed $3,000,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutally acceptable to the Issuer and the Applicant; (ii) it will adopt

such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Adopted this 26th day of June, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-30-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-04-08

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General Ordinance No. G-97 by authorizing the vacation of a certain road have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. G-79-04-08

GENERAL ORDINANCE NO. G-13-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain road

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain road, having been filed with Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 383, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November

26, 1963, is amended by deleting the following road, to wit:

Commencing at the southwest corner of Hatfield Road, where Hatfield Road intersects with Interstate Highway 69 then east to the east boundry line of Hatfield Road then north, a distance of 549,9 feet; then west 50 feet to the west boundry line of Hatfield Road then south to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-09

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving Civil City Blanket Purchase Orders Nos. B-4-06376, B4-06377 and B4-06378 with Bituminous Materials, Inc. for materials for the Street Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-09

SPECIAL ORDINANCE NO. S-97-79

AN ORDINANCE approving Civil City Blanket Purchase Orders Nos. B4-06376, B4-06377 and B4-06378 with Bituminous Materials, Inc. for materials for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Blanket Purchase Orders Nos. B4-06376, B4-06377 and B4-06378, dated May 31, 1979, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Bituminous Materials, Inc., for Chip & Seal Asphalt Emulsion (Cationic) for the Street Department, all as more particularly set forth in said purchase orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same are in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-97-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-06-10

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance approving the Board of Public Works proposed Capital Program Expenditures for 1980 and Amendment to the 1979 Capital Improvement Expenditures have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

William T. Hinga
Paul M. Burns
Fredrick R. Hunter
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. G-79-06-10

GENERAL ORDINANCE NO. G-12-79

AN ORDINANCE approving the Board of Public Works proposed Capital Program Expenditures for 1980 and Amendment to the 1979 Capital Improvement Expenditures

WHEREAS, heretofore on April 11, 1973, General Ordinance No. G-07-73 was adopted requiring the Board of Public Works of the City of Fort Wayne to at least annually on or before the 30th day of June of each year provide the Common Council with itemized estimates of capital program expenditures for the succeeding fiscal years;

WHEREAS, said Board of Public Works does hereby submit to said Council said itemized estimates, all as set forth in Exhibits "A" and "C" attached hereto and hereby made a part hereof; and

WHEREAS, said Board of Public Works desires to amend said itemized estimates heretofore approved by the Common Council as General Ordinance G-14-78 by adding thereto those itemized estimates set forth in Exhibit "B" attached hereto and hereby made a part hereof.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. All estimates of captial programs presented by the Board of Public Works of the City of Fort Wayne to the Common Council of the City of Fort Wayne as shown on Exhibits "A" and "C: attached hereto and made a part hereof is now approved in whole by the Common Council of the City of Fort Wayne.

SECTION 2. All estimates of captial programs to be added to those heretofore approved by General Ordinance No. G-14-78 presented by the Board of Pulbic Works of the City of Fort Wayne to the Common Council of the

City of Fort Wayne as shown on Exhibit "B: attached hereto and made a part hereof is now approved in whole by the Common Council of the City of Fort Wayne.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

Read the third time in full and on motion by Hinga, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-12-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-11

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 1091 with Ford Meter Box Company for equipment for the Water Maintenance & Service Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-11

SPECIAL ORDINANCE NO. S-98-79

AN ORDINANCE approving City Utilities Purchase Order No. 1091 with Fort Meter Box Company for equipment for the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1091, dated May 11, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Ford Meter Box Company for:

Basement Resetters for water meters, to be utilitized by the Water Maintenance & Service Department,

at a cost of $3,234.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-98-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-12

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Change Order No. 1, Sewer Improvement Resolution No. 302-78, in connection with Kruge Place Addition Sanitary Sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-12

SPECIAL ORDINANCE NO. S-99-79

AN ORDINANCE approving Change Order No. 1, Sewer Improvement Resolution No. 302-78, in connection with Kruge Place Addition Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Sewer Improvement Resolution No. 302-78, to Bercot, Inc., in connection with Kruge Place Addition Sanitary Sewer, for:

Additional stone, pipe, backfill, asphalt, fence and trees, as a result of relocating sewer line "A" along the north side of Lower Huntington Road,

in the amount of $22,622.69, as set out in the specifications, is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-99-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-13

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance amending sections of Chapter 24 "Sewer and Sewerage Systems" so as to adjust rates and other provisions prescribed therein have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-13

SPECIAL ORDINANCE NO. S-100-79

AN ORDINANCE amending certain sections of Chapter 24 "Sewer and Sewerage Systems" so as to adjust rates and other provisions prescribed therein

WHEREAS, it is necessary to adjust the rates charged for use of the Water Pollution Control service owned and operated by the City for the benefit of its inhabitants and of the inhabitants of the surrounding area who take advantage of its existence, and to make it mandatory that all inhabitants make connection for said service where available:

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort Wayne, Indiana, 1974 is amended to be and read as follows:

Article II. General Provisions

201. Bylaws, Rules and Regulations. The Board of Public Works of the City of Fort Wayne shall, in accordance with the Statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation, collection and refunding of the rates and charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.

202. Requirements for Connection to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimburse-

ments or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error shall not operate to nullify any such obligation that has been duly recorded.

Tap permits shall be obtained from the City's Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of thirty-five dollars for each tap permit for a normal six-inch service, a fee of seventy dollars for each tap permit for a special six-inch service and a fee of seventy dollars for each tap permit service larger than six inches. After making each sewer tap and building sewer installation, the tap contractor shall notify the Sewer Engineer so that the tap and the building sewer can be inspected and approved before the excavation is backfilled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this paragraph 202 have been complied with.

The Board of Public Works shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements.

New connections should be made only after there has been adequate assurance by City that the downstream facilities of the sewage works have adequate capacity to handle the new waste loadings.

No persons shall make connections of roof downspouts, exterior foundation drains, or other sources of surface run-off or ground water to a building sewer or building drain which is connected, directly or indirectly, to a sanitary sewer of the City.

Any and all private sewer systems of any kind now existing in or on premises where a public sewer is now or may hereafter become available shall be discontinued, emptied of its contents, cleaned out and be filled with earth or ashes, and the house sewer shall be disconnected from the existing private sewage system and be connected to the public sewer. All such connections to the public sewer shall be made within ninety days of the date the public sewer becomes available.

203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into

the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.

204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.

205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of paragraphs 202, 206, 301, 401 through 405, 501 through 503, 602 or 605 shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time state in the notice, permanently cease all violations.

Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in any amount not less than $100.00 and not more than $500.00. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

206. Responsibility For City Property. No unauthorized person, firm or corporation shall maliciously, willfully, or negligently break, damage, destroy, remove, deface, or tamper with any structure, appurtenance, or equipment which is part of or belonging to the Water Pollution Control Plant. Any person violating this provision shall by subject to immediate arrest under charge of a misdemeanor.

207. Amendment. The City of Fort Wayne reserves the right to amend this chapter of the Municipal Code, including the rates herein established, in part or in whole, as provided and permitted by the Statutes of Indiana, whenever it may deem it necessary.

ARTICLE VII. USER CHARGES

701. User Volume Charges
The water usage schedule upon which charges for services rendered by

the Sewer Utility shall be based on water consumption unless otherwise metered or exempted in accordance with the following user classifications and the following charges for services for each such classification:

Service Charge (cents per 100 cu ft)

	Class of User	
	Domestic	Manufacturing
Treatment	17.1	17.1
Conveyance, Collection, Billing	16.6	10.8
Capital	10.7	8.1
Total User Charge	44.4	36.0

702. User Minimum Charges

In the event the monthly sewage service charge calculated in accordance with the water consumption schedule exhibited above does not exceed the minimum monthly charge for each class of user as set forth hereafter, user shall pay said minimum monthly charge in lieu of the charge calculated based on water usage.

Water Meter Size	Minimum Monthly Charge
5/8 - 3/4"	$ 2.22
1 - 1 1/2"	7.83
2"	15.98
3"	32.10
4"	53.36
6" or larger	148.21

703. User Flat Charges

In the event any user is not a metered water customer, there shall be imposed flat charge rates as follows:

Classification of Customer	Monthly Flat Charge (1)	
	In-City	Out-City
Domestic User - Single Family Residence	$ 4.44	$ 5.33
Domestic User - Multi Family Residence	To be estimated by City	
Commercial And Industrial User	To be estimated by City	

(1) Subject in addition, if applicable, to zone surcharge. Estimates

of monthly flat charges for multi-family residences shall be based on the number of family units accommodated by the system multiplied by the single family residence monthly charges. Estimates of monthly flat charges for commercial and industrial establishments shall be either estimated based on number of employees, manufacturing processes used and other pertinent sewer use indicators or based upon outfall measurements where available.

704. Regional Contract Sewage Treatment Charges

In the event the City consummates a contract to serve as a regional treatment plant for any other municipality or private sewage utility, either contiguous to the City or in its environs, said contract shall provide for the following unit charges:

Volume Charge (cents per 100 cu. ft.)

Treatment	17.1
Capital Charge	10.7
	27.8

Variable Charge (cents per 100 cu. ft.)

A variable charge for conveyance and collection costs attributable to that portion of the conveyance system and operating costs associated therewith used by the contract customer shall be computed by the City and added to the volume charge.

Flat Charge

In addition to the foregoing charges based on volume of sewage treated and conveyed each contract customer will pay a monthly billing charge of $.50 and a monthly surveillance charge of $75.00.

Excess Strength of Waste Surcharge

In the event a contract customer contribution waste having a strength in excess of domestic waste characteristics, as hereinbefore defined, a surcharge based on the following unit process charge will be in effect for all waste found to be in excess of limitations:

	Cents Per Pound
Suspended Solids - (SS)	3.587
Biochemical Oxygen Demand - (BOD)	3.582
Phosphorus - (P)	34.324

Capital Surcharge

In the event contract customer delivers sewage for treatment to City for a period of 90 consecutive days which is in excess of base MGD contracted for, then customer will be subject to an additional capital charge computed at the capital charge (per 100 cu. ft.) then in effect times the excess percentage of MGD represented by dividing actual MGD by contracted MGD.

Zone Surcharge

The total of foregoing charges for which any contract customer will be liable to City hereunder may be increased by the zone surcharge rate set forth in Article IX hereafter if said contract customer qualifies by reason of location.

Other Provisions

In the event sewage received pursuant to any contract entered into under this section exceeds any of the limitations imposed by Chapter 24, the City shall have the right to impose all charges, limitations and penalties applicable to any non-contract user served by the City. Each contract entered into by the City pursuant to the foregoing rate classification shall provide that contract customer shall agree to enact and maintain a Sewer Use Ordinance, Industrial Cost Recovery System and User Charge System acceptable to the City and in conformance with the City's obligations under Sec. 204B (1), Public Law 92-500 as amended and supplemented and guidelines and regulations promulgated thereunder by the U.S. Environmental Protection Agency and 40 CFR 35.905-8, 35.928-1 and 35.928-2, and 35.935-13.

705. Bulk Waste Charges

Industrial - For all industrial waste picked up from customer and hauled in City's vehicles to plant - $148.75 per load.

Domestic - For all domestic waste delivered to plant by customer's truck or tank - $21.75 per load. For purposes of computing charges hereunder, a load is defined as 1,000 gallons of tank capacity.

706. Annual Review of Service Charges

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose will submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, and phosphorus

from the sewage treatment plant influent during the previous calendar year, with the unit charges currently in effect, in order that the Board may determine whether the current service charges and surcharges are adequate or should be changed. The methodology utilized in developing this cost comparison shall include:

1. A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC Utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strenght, volume, and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

2. Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the Utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the Utility operation, attributable to such class.

ARTILCE VIII. STRENGHT-OF-WASTES SURCHARGE

801. Liablity for Surcharge

Each user discharging wastes into the sewerage system shall be subject to a strenght of wastes surcharge, in addition to other sewage service charges imposed by this ordinance, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than as follows:

a. Biochemical oxygen demand of 220 milligrams per liter

b. Chemical oxygen demand of 440 milligrams per liter

c. Suspended solids content of 250 milligrams per liter

d. Phosphorus content of 10 milligrams per liter

802. Computation of Surcharge

The surcharge shall be determined as follows:

a. The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, and phosphorus will each be computed by first multiplying the user's billing sewage volume measured

in units of 100 cubic feet for the current billing period by the factor 9.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD), suspended solids, and phosphorus respectively in the user's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

803. Rates of Surcharge

The rate of surcharge for each of the aforementions constituents shall be as follows:

a. For biochemical oxygen demand - (BOD)	3.582 cents per pound
b. For suspended solids (SS)	3.587 cents per pound
c. For phosphorus (P)	34.324 cents per pound

804. Waste Evaluation Charges

All users discharging wastes into the system requiring continuing surveillance, sampling and waste evalutation shall be subject to a monthly fixed charge to cover the costs of such services in the amount of $75.00 per discharge point.

805. Revision of Rates of Surcharge

Prior to May 1 of each year, the General Auditor of the City Utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD, suspended solids, and phosphorus from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed and request legislative enactment of said changes by the Common Council.

SECTION 2. That this Ordinance shall be in full force and effect upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-100-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-14

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 110 9 with Price Brothers Company for equipment for the Water Maintenance & Service Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-14

SPECIAL ORDINANCE NO. S-101-79

AN ORDINANCE approving City Utilities Purchase Order No. 1109 with Price Brothers Company for equipment for the Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1109, dated May 29, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Price Brothers Company, for:

Various sizes of Tapping Saddles for making water taps for Water Maintenance & Service Department,

at a cost of $3,988.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico

Nays: None

Date: 6-26-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-101-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-16

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 1087 with Tomco Equipment Company for equipment for the Three Rivers Filtration Plant have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-16

SPECIAL ORDINANCE NO. S-102-79

AN ORDINANCE approving City Utilities Purchase Order No. 1087 with Tomco Equipment Company for equipment for the Three Rivers Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1987, dated May 11, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Tomco Equipment Company, for:

One Recarbonation Burner for Three Rivers Filtration Plant,

at a cost of $4,923.00 all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-102-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 1090 with Overhead Door Company for overhead doors for the Water Pollution Control Maintenance Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79

Charles W. Westerman
City Clerk

BILL NO. S-79-06-17

SPECIAL ORDINANCE NO. S-103-79

AN ORDINANCE approving City Utilities Purchase Order No. 1090 with Overhead Door Company for overhead doors for the Water Pollution Control Maintenance Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1090, dated May 11, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Overhead Door Company, for:

Three Overhead Doors for Water Pollution Control
Maintenance Department

at a cost of $4,428.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-103-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-18

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 1102 with General Electric Apparatus Service Shop for repair of Hydro-Electric Generator for Three Rivers Filtration Plant have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-18

SPECIAL ORDINANCE NO. S-104-79

AN ORDINANCE approving City Utilities Purchase Order No. 1102 with General Electric Apparatus Service Shop for repair of Hydro-Electric Generator for Three Rivers Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1102, dated May 16, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and General Electric

Apparatus Service Shop, for:

Repair of Hydro-Electric Generator at the St. Joseph River Dam with on-site supervision for the assembly of the unit after repair for Three Rivers Filtration Plant,

at a cost of $4,399.45, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79 Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-104-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-06-19

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving partial release of a sewer easement and authorizing the Mayor and City Clerk to execute and deliver a quit claim deed thereto have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 6-26-79 Charles W. Westerman
City Clerk

BILL NO. S-79-06-19

SPECIAL ORDINANCE NO. S-105-79

AN ORDINANCE approving partial release of a sewer easement and authorizing the Mayor and City Clerk to execute and deliver a quit claim deed thereto

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Partial Release of Sewer Easement dated April 4, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works, and Charles N. Hall, agent for Michael Hall, for:

Part of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at a point 40 feet north and 391 feet west of the Southeast corner of the East half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence West and parallel to the South line of said E1/2, a distance of 338 feet to a point situated 14 feet West of the West line of a 1.0 acre tract conveyed to Nancy D. Cotton and

Werner W. Newcomb, Jr. in a deed appearing in Document #75-23036 in the Office of the Recorder of Allen County, Indiana; thence Northerly, by a deflection angle right of 89 degr. 52 min. 30 sec. (recorded 89 degr. 53 min.) and parallel to the West line of said 1.0 acre tract, a distance of 25.0 feet to a point on the Northerly right-of-way line of Washington Center Road as established in Document #72-0497 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence continuing Northerly and parallel to the West line of said 1.0 acre tract, a distance of 225.0 feet; thence East and parallel to said South line, a distance of 14.0 feet to the West line of said 1.0 acre tract; thence southerly, on and along the West line of said 1.0 acre tract, a distance of 225.0 feet to said North right-of-way line; thence West, on and along said North right-of-way line, a distance of 14.0 feet to the true point of beginning.

all as more particularly set forth in said Partial Release of Easement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That to confirm said release, the Mayor and City Clerk of the City of Fort Wayne are hereby authorized to execute and deliver a Quit Claim Deed to the released portion of said easement described above, to Michael Hall as grantee.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ORdinance No. S-105-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-77-06-26 (AS AMENDED)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 2 (Blackhawk) have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS (AS AMENDED)

amendment: effective date December 31, 1979

James S. Stier
Vivian G. Schmidt
Samuel J. Talarico

Concurred in 6-26-79

Charles W. Westerman
City Clerk

BILL NO. X-77-06-26 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-04-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby, annexed to and made a part of the corporation of the City of Fort Wayne, Indiana, effective December 31, 1979 to-wit:

Commencing at the intersection of the centerline of section 33, T 31, R 13 E and the north right-of-way line of Hicksville Road (East State Blvd.); thence northesterly along the north right-of-way line of Hicksville Road (East State Blvd.), this line also being the present corporation limits, to the east line of the northwest 1/4 of section 34, T 31 N, R 13E; thence south along said east line of northwest 1/4 of section 34 (assumed to be the northerly projection of west line of lot #2 in Browning Subdivision of Kercheval Reserve) to the northwest corner of lot #2 in Browning Subdivision of Kercheval Reserve as recorded in deed book W, pages 387-388; thence continuing in a southerly direction along the west line of said lot #2 in Browning Subdivision to a point located 262.68± feet north of the southwest corner of said lot #2 in Browning Subdivision, said point more particularly described as being the northwest corner of lot #77 of Lake Forest Extended, Section III as recorded in plat book 33, pages 19-20; thence east on a line parallel to and 262.68 ± feet north of the south line of Lots 1 & 2 of said Browning Subdivision to the westerly right-of-way line of Maysville Road (Lake Avenue) thence southwesterly on the west right-of-way of Maysville Road to the west line of said Kercheval Reserve; thence in an easterly direction along the north right-of-way line of North River Road to east line of Kercheval Reserve; thence north along the east line of Kercheval Reserve to the north line of Valley Meadows Section III; thence west along the north line of Valley Meadows Section III to the east right-of-way of Maysville Road; thence northeasterly along the east right-of-way line of the Maysville Road to the south right-of-way line of Hicksville Road (East State Street); thence west along the south right-of-way line of Hicksville Road to a projection of the west right-of-way line of the Lahmeyer Road; thence north along said west right-of-way line of Lahmeyer Road to the south right-of-way line of Trier Road;

thence west along south right-of-way, line of Trier Road to centerline of section 33, N, R 13 E, thence south on said centerline section 33 to intersection of north right-of-way line of Hicksville Road the point of beginning. An area of approximately 800 acres.

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of (3) three years, governmental and proprietary services substantially equivalent in standard and scope to the governmental and proprietary services furnished by the annexing city to other areas of the city which have characteristics of topography, patterns of land utitization and population density similar to said described territory.

SECTION 3. Governmental and proprietary services which will be provided to the described territory are outlined in the fiscal plan for the territory developed by the Department of Community Development and Planning, which plan was examined, approved and adopted by the Common Council prior to the passage of this Ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 2 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana 1974.

SECTION 5. After its passage, approval by the Mayor and sixty days days after final publication thereof as required by law, this ordinance shall be in full force and effect on December 31, 1979.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by V. Schmidt and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Seven
Burns, Hinga, Hunter, Moses, D. Schmidt, V. Schmidt, Talarico
Nays: Two
Nuckols, Stier

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-04-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

BILL NO. G-79-05-26 (AS AMENDED)

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance AMENDING ARTICLE III, CHAPTER 27, SECTIONS 27-22; 27-23; 27-24; 27-25; 27-26; 27-27; 27-31; 27-32; AND ADDING SECTION 27-33 OF THE CODE OF THE CITY OF FORT WAYNE OF 1974 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS (AS AMENDED)

James S. Stier
William T. Hinga
Vivian G. Schmidt
John Nuckols
Samuel J. Talarico

Concurred in 6-26-79

Charles W. Westerman
City Clerk

BILL NO. G-79-05-26 (AS AMENDED)

GENERAL ORDINANCE NO. G-14-79

AN ORDINANCE AMENDING ARTICLE III CHAPTER 27, SECTIONS 27-22; 27-23; 27-24; 27-25; 27-26; 27-27; 27-31; 27-32; AND ADDING SECTION 27-33 OF THE CODE OF THE CITY OF FORT WAYNE OF 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Sections 27-22, 27-23, 27-24, 27-25, 27-26, 27-27, 27-31, 27-32 be repealed and the following Sections shall be substituted therefor, and that Section 27-33 be added as follows:

Section 27-22 Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

(a) "Swimming Pool" shall mean an artificial pool of water and auxiliary structures including dressing and locker rooms, toilets, showers and other areas and enclosures that are intended for the use of person using the pool, but shall not include pools and auxiliary structures and equipment at private residences intended only for the use of the owners and friends.

(b) "Beach" shall mean any natural or artificial waterway or impoundment, or any portion thereof which is used for swimming or wading purposes, including structures used as dressing rooms, locker rooms, toilets, showers, and other areas and enclosures intended for the use of persons using the beach.

(c) "Health Officer" shall mean The Health Officer of the city-county board of health or his or her authorized representative except where otherwise stated.

(d) "Person" shall mean a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural

person.

(e) "Board of Health" shall mean the City-County Board of Public Health of Allen County, Indiana.

Section 27-23. Authority of health officer.
In case of emergency, the health officer alone is empowered to make rules and regulations to carry out, interpret and make effective the provisions of this article; provided that all such rules and regulations shall be recorded in a permanently bound book kept for such purposes and open to the general public inspection; and provided, that no such regulation or rule shall be effective for a period longer than sixty days unless formally ratified by the city-county board of health.

Section 27-24. Permits - Generally.

Swimming Pool or Beach Permit

(a) Requirement in City.

(1) It shall be unlawfull for any person to operate a swimming pool or beach in the City of Fort Wayne, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place at such swimming pool or beach. Only persons who comply with the applicable requirements of this Article shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning with the date of issue and is to be renewed annually on the anniversary date thereof. Any permit issued by the Health Officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent date as may be required by the Health Officer.

(2) A separate permit shall be required for each swimming pool or beach operated or to be operated by any person.

(3) A permit shall be issued on application, after inspection and approval by the Health Officer; provided,

that the swimming pool or beach has been constructed under plans approved by the State Health Commissioner and under a permit issued by the city-county building department and that its operation complies with this article.

(4) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(5) Application for such a permit shall be made to the health officer on forms provided by the health officer for such purpose. Such forms shall, when completed, show the name of the applicant, address, the name under which he or it intends to operate, the address of the establishment, the approval of plans by the state health commissioner and the issuance of a construction permit by the city - county building department.

(6) Permit not Transferable: No permit issued under this chapter to any person shall be transferable.

(7) Permit Fees

Every applicant for a permit under this chapter shall pay to the Fort Wayne-Allen County Board of Public Health a fee of one hundred dollars for each pool and beach open each year for six months or less and a fee of one hundred seventy-five dollars for each pool or beach open for the entire year.

Permit Fee Exemption: The permit fee provisions of this chapter shall not apply to swimming pools and beaches operated by religious, educational, and charitable institutions or governmental units.

Two or more swimming pools or beaches located upon the same property and operated by the same person shall be deemed a single pool or beach for permit fee purposes.

Section 27-25 - Suspension, Revocation and Reinstatement of permits:

(a) Suspension of Permit: Any permit issued under this chapter may be temporarily suspended by the health officer without notice of hearing, except as herein provided, for a period of not

to exceed 30 days, for any of the following reasons:

(1) Failure to meet any of the standards required by this chapter:

(2) Violation of any provision or provisions of this chapter:

(3) Interference with the health officer of any of his authorized representatives in performance of their duties; provided, that if such failure, violation or interference is not such that continuation thereof may constitute an immediate danger to public health, forty-eight hours written notice to comply shall first be given: provided that upon written application from the permittee, served upon the health officer within 15 days after such suspension, the health officer shall conduct a hearing upon the matter after at least 5 days written notice of the time, place and purpose thereof to the suspended permittee; provided that any such suspension order shall be issued by the health officer in writing and served upon the permittee or by delivery by certified mail to such address.

(b) Revocation of Permit: Any permit issued hereunder may be revoked by the health officer for willful or continuous violation of any provision or provisions of this article; provided, however, that no such revocation shall be ordered by the health officer except upon hearing and at least ten days written notice of the time, place and nature thereof. Such notice shall be served upon the permittee by leaving a copy at his usual place of business or by delivery by certified mail to such address. At such hearing, every person who is a party to such proceedings shall have the right to submit evidence and to cross-examine witnesses and to be represented by counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious evidence shall be excluded. Upon the conclusion of such hearing, the health officer shall make a final order determining the issue in the case, which order shall be final and conclusive upon all parties: provided, however,

that such order may be reviewed as hereafter provided. Any person aggrieved by such an order of the health officer shall be entitled to a review of such order before the board of health, by filing a written application therefor with the secretary of said board within 15 days after such order is issued. Upon receipt of such application, the board of health shall hear the matter de novo in open hearing for which at least 10 days notice of the time, place and purpose thereof shall be issued by the secretary of the board to all persons affected. Such notice may be served upon the persons affected by leaving a copy at their usual place of business or by delivery by certified United State mail to such address. At such hearing, the same rules or procedure shall apply as in the case of the hearing before the health officer; provided, only that upon written demand by the permittee affected, the board of health shall cause the proceedings before it to be recorded by a stenographer or reporter employed for such purpose, and such proceedings together with all papers and documents filed therein, shall be reproduced by the board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the party applying for the review, except that copies of transcripts shall be at the expense of the party obtaining such copies. The board may require the party applying for a review to deposit with such application an amount determined by it as necessary to secure such expense. The board shall make written findings of the facts in the case and shall enter its final order or determination of the matter in writing in the permanent records of the board.

(c) Reinstatement of Permit: Any person whose permit has been suspended at any time may make application for the reinstatement of his permit.

Section 27-26. Sanitation and safety.

(a) All swimming pools and beaches shall comply with the accepted and prevailing sanitary and safety

requirements. In determining the accepted and prevailing requirements for pools, the health officer shall be governed by the regulations of the Indiana State Board of Health H.S.E. 16-R or as the same may be hereafter changed or amended. Such regulations are by reference incorporated herein and made part hereof, two copies of which shall be on file in the office of the city clerk and the city-county board of health for public inspection. The same sanitation standards applicable to the auxiliary facilities of swimming pools, such as dressing rooms, toilets, bathing suits, etc., shall be applied to such auxiliary facilities of beaches.

(b) Beaches shall not be located in areas subject to pollution by sewage. In determining the accepted and prevailing sanitary standards for beaches, the sanitary officer shall be governed by the coliform index as conducted by the methods described in "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by American Public Health Association, American Waterworks Association, and Federation of Sewage in Industrial Wastes Association, current edition.

(c) Whole body contact: The fecal coliform content (either in the MPN or MH count) shall not exceed 200 per 100 ml as a monthly geometric mean based on not less than 5 samples per month; nor exceed 400 per 100 ml in more than 10 percent of all the samples taken during the month. The months of April through October, inclusive, are designated as the recreational season for beaches.

Section 27-27. Inspection.

(a) Frequency of Inspection: The health officer shall inspect swimming pool or beach for which a permit is required under the provisions of this article at least once each month during the season for which the pool is open, and may require tests and reports each week.

(b) Procedure when violations noted: If during the inspection of any swimming pool or beach, the health officer discovers the violation of any of the sanitary requirements in Section 27-26 he shall issue a written order listing such

violations to the operator or, in his absence, to the person in charge and fixing a time within which the said operator of said swimming pool or beach shall abate and remedy such violations. A copy of the written order shall be filed in the records of the health department.

(c) Authority to inspect and to copy records. The operator of the swimming pool or beach shall, upon the request of the health officer, permit access to all parts of such swimming pool or beach and shall permit copying any or all records relating to the enforcement of this article.

(d) Inspection outside of the city. Any person desiring inspection of a pool or beach outside of the city shall pay to the city a fee of fifteen dollars for each inspection requested.

Section 27-31. Prosecution of violators.

If upon a second inspection the health officer finds that any swimming pool or beach, which was in violation on a previous inspection, and concerning which a written order was issued, is again in violation of any of the provisions of this article the health officer shall furnish evidence of the violation to the city attorney, who shall prosecute all persons violating said provisions of this article.

Section 27-32. Penalty.

Any person violates any provision of this chapter shall be subject to a penalty of not more than three hundred dollars for each offense. Each and every violation of the provisions of this chapter and each day that the same continues shall constitute a separate offense.

Section 27-33. Severability of provisions of sections 27-22 to 27-31.

Should any section, paragraph, sentence, clause or phrase of section 27-22 to 27-32 be adjudged

invalid or unconstitutional for any reason, the remainder of such sections shall not be affected thereby.

Section 2. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 6-26-79

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-14-79 on the 26th day of June, 1979.

ATTEST: (SEAL)

Charles W. Westerman
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1979, at the hour of 11:30 o'clock A.M.,E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 5th day of July, 1979, at the hour of 3:30 o'clock P.M.,E.S.T.

Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 26th day of June, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 5th day of July, 1979.

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 10th day of July, 1979.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER